

REMARKS

Claims 7-13 and 24-33 are pending in this application, with claims 14-22 having been withdrawn from consideration. Claims 1-12 & 33 are rejected under 35 USC 112 as failing to comply with the enablement and written description requirements due to the addition of the concept of teleportation. Claims 24-32 are rejected under 35 USC 112 as failing to comply with the written description requirement due to the use of the term "human eye distance apart". The specification is objected to under 35 USC 132 due to the incorporation of the concepts of teleportation and human eye distance apart. Claims 7, 8, 12, 13 and 24-32 are rejected under 35 USC 103(a) as being unpatentable over Simonelli in view of Yoshimatsu. Claims 9-11 and 33 are rejected under 35 USC 103(a) as being unpatentable over Simonelli in view of Yoshimatsu and in view of official notice of the use of the profit motive.

The applicants traverse the rejection of claim 12 and 13 under 35 USC 112, since it is believed that these claims do not incorporate the concepts of teleportation or human eye distance apart and therefore should not have been included along with the other claims for the rejections under 35 USC 112. Withdrawal of these rejections is respectfully requested.

Claims 7, 8, 24, 25, 28 and 32 have been amended herein to eliminate the incorporation of the concepts of teleportation and human eye distance apart, thereby overcoming the rejections under 35 USC 112 and the objection to the specification. Entry of these amendments and withdrawal of these rejections and objection are respectfully requested.

Withdrawn claims 14-22 have been cancelled herein, leaving claims 7-13 and 24-33 pending in the application. Entry of the cancellation of these claims is respectfully requested.

In addition to the entry of the above-described amendments that are made to place the claims in better form for consideration upon appeal by eliminating several of the rejections as to form, the applicants also request reconsideration of the remaining pending claims. In particular, the applicants traverse the rejection of claims 7-13 and 24-33 under 35 USC 103(b) since the combination of Simonelli and Yoshimatsu (including the official notice) fails to describe all of the limitations of these claims. The applicants believe that the Examiner has failed to establish *prima facie* support for the obviousness rejections, as discussed more fully below.

All of the pending claims include a limitation directed to the portability of the equipment, in particular a personally portable receiver/display combination. Specifically, independent claim 7 includes the limitations of "providing to a plurality of attendees at the event a respective plurality of portable display units each containing a multi-channel receiving device and a video display device, the portable display units adapted to be worn or carried by the respective attendees." Independent claim 12 includes the limitations of "a plurality of personally portable display units each containing a multi-channel receiving device and a video display device ...for personal viewing ...by attendees ...who are carrying and using a respective personally portable display unit." Independent claim 24 includes the limitations of "a personally portable receiver ... a pair of personally portable video display devices connected to the portable receiver and worn or carried by an observer together with the personally portable receiver." Independent claim 27 includes the limitations of "providing a personally portable display unit containing a multi-channel receiving device and a video display device ... for personal viewing by a person carrying the personally portable display unit." Finally, independent claim 29 includes the limitations of "a personally portable receiver ... a personally portable video display device connected to and carried with the personally portable receiver."

Neither Simonelli nor Yoshimatsu nor their combination describes such a claimed portable device including a receiver and a video display unit. In fact, Simonelli teaches away from the pending claims by describing an operator booth that is so large that the operator must actually sit inside of the booth. Yoshimatsu also teaches away from the pending claims by describing a large controller unit, display and base-mounted pan and tilt cameras that are not portable. Only the head sensor 80 of Yoshimatsu is portable. Since each of these two references individually teaches away from the limitations related to the portability of the device, their combination cannot be said to teach or to suggest such portability limitations. Therefore, the rejections under 35 USC 103 are defective because the combination of Simonelli and Yoshimatsu does not render the claimed combinations *prima facie* obvious. [see *In re Fine*, 873 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)]

Further, one must consider three additional aspects of the claimed invention that support the applicants' position that no *prima facie* case has been made for obviousness.

First, the reduced-scale racing game of Simonelli is an entirely different concept than the claimed invention related to providing entertainment to a mass of people at a large event. In particular, claim 7 is directed to a method providing entertainment to attendees while at a "live

event" including "providing a plurality of cameras positioned at a plurality of locations within an event..." Simonelli describes a reduced scale racing system having cameras placed onto reduced scale remotely controlled cars, not placed within an event such as the type described in the specification at page 12, lines 27, i.e. an arena for a musical concert event. The scale model car system of Simonelli does not teach or suggest the claimed placement of cameras within a live event as the present specification uses the term "event". Yoshimatsu provides no teaching as to the type of event where his system may be used, so the combination of Simonelli and Yoshimatsu fails to make obvious the claimed use of cameras at a live event.

Second, the "attendees" of independent claims 7 and 12, the "observers" of independent claims 24 and 29, and the "person carrying the personally portable display unit" of independent claim 27 are distinct from the operator of Simonelli and the person wearing the headset of Yoshimatsu. In particular, the present invention is directed to claimed embodiments where the person carrying the portable display device is only an observer of the live action, but does not control the live action. The cited prior art patents describe systems wherein the person viewing the display actively controls the action of the camera to control what is viewed through the display. This fact is important because it means that there is no motivation in either of the cited prior art references to utilize such cameras for the viewing of live events such as claimed by the present invention.

Third, the combination of number of viewers and number of views provided by the various embodiments of the present invention are not taught by the cited prior art. For example, independent claim 7 allows multiple attendees to select from multiple views, either all the same view or all different views. Independent claim 12 allows multiple attendees to select the view from one or more cameras. Independent claim 27 allows a single viewer to select the view from multiple cameras. Yoshimatsu provides one viewer and one camera system. Simonelli provides each of the multiple operators the view from only a single model car. To modify Simonelli to allow the operator to select from among the views from multiple cars would destroy the functionality of the racing system, since the operator must see the view from only his one car in order to be able to control his one car.

These three above-described differences collectively provide further support for the fact that the combination of Simonelli and Yoshimatsu fails to provide a *prima facie* support for the rejections under 35 USC 103.

Accordingly, entry of this amendment, consideration of the prior art previously submitted with the missing Forms 1449, and allowance of claims 7-13 and 24-33 are respectfully requested.

Respectfully submitted,



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